United Nations S/2009/542

Security Council

Distr.: General
21 October 2009

Original: English

Tenth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004)

I. Background

1. The present report is my tenth semi-annual report on the implementation of Security Council resolution 1559 (2004). It assesses progress in the implementation of the resolution since my last report on 24 April 2009 (S/2009/218), and highlights the remaining concerns that continue to impede efforts to strengthen the sovereignty, territorial integrity and political independence of Lebanon.

2. On 7 June 2009, parliamentary elections were held in Lebanon. For the first time in the history of the country, parliamentary elections were held on a single day. National institutions performed remarkably well, especially the Ministry of Defence and above all the Ministry of Interior. These elections were characterized by the highest voter turnout in the history of Lebanon and were generally heralded as a major success, with international and local observers deeming them to have been free and fair, despite some shortfalls and minor security incidents. According to official results, candidates belonging to the 14 March Alliance won 71 seats and candidates from the 8 March Alliance won 57 seats.

3. On 25 June, President Nabbih Berri was re-elected for a fifth term as Speaker of Parliament with a majority of 90 votes.

4. On 27 June, after consultations with the parliamentary blocs, President Michel Sleiman issued a decree tasking Member of Parliament Saad Hariri to form a Government. The same day, Prime Minister-designate Saad Hariri vowed to form a national unity Government, consistent with his campaign commitment, in cooperation with the President. By the end of July 2009, political leaders announced that they had reached an agreement on the distribution of cabinet seats (15 for 14 March Alliance, 10 for 8 March Alliance and 5 for the President of the Republic), but had not yet on names of ministers.

5. On 10 September, Prime Minister-designate Saad Hariri stepped down after the opposition rejected his cabinet proposal. On 14 and 15 September, President Michel Sleiman conducted a new round of consultations with all parliamentary blocs. As a result of these consultations, he reappointed Saad Hariri as Prime Minister-designate, and tasked him to form a Government.

6. On 23 September, President Bashar al-Assad travelled to Jeddah, Saudi Arabia, on the occasion of the inauguration of the King Abdullah University of Science and

Please recycle

Technology, on the margins of which he held a summit meeting with the Saudi monarch. On 7 October, King Abdullah Bin Abdul Aziz Al Saud undertook his first visit to the Syrian Arab Republic since his accession to the throne for a summit with the Syrian President. At the closure of the summit on 8 October, the two leaders released separate statements calling for the formation of a national unity Government in Lebanon. These two visits are widely perceived to have contributed to easing the political situation in Lebanon.

7. Over the past six months, political life in Lebanon was focused essentially on the parliamentary elections and the efforts to form a Government thereafter. While political differences have become more visible in the context of the formation of a new Government, Lebanon's security situation has been generally calm. President Michel Sleiman has deployed significant efforts to maintain a positive atmosphere and promote national unity. Meanwhile, as at 21 October 2009, no Government had been formed.

II. Implementation of resolution 1559 (2004)

8. Since the adoption of Security Council resolution 1559 (2004) on 2 September 2004, I take positive note that several of its provisions have been implemented. Presidential and parliamentary elections took place in a free and fair manner. The Syrian Arab Republic withdrew its troops and military assets from Lebanon in April 2005. Lebanon and the Syrian Arab Republic established full diplomatic relations and have engaged in high-level talks on matters of relevance to the sovereignty, political independence and territorial integrity of Lebanon, such as the delineation of their common border, as strongly encouraged by the Security Council in its resolution 1680 (2006).

9. However, the existence and activities of Lebanese and non-Lebanese militias, in contravention of the requirements of resolution 1559 (2004), continue to pose a threat to the stability of the country, and challenge the need for the Government of Lebanon and the Lebanese Armed Forces to exercise the monopoly on the use of force throughout Lebanon. Thus the implementation of resolution 1559 (2004) has to continue.

10. Over the past six months, my representatives and I have remained in regular and close contact with all parties in Lebanon, as well as with relevant regional and international players. I held two meetings with President Michel Sleiman; once on the margins on the non-aligned-movement summit in Sharm el-Sheikh, Egypt, in July 2009; and in New York, on the margins of the ministerial week of the sixty-fourth session of the General Assembly in September 2009. On these occasions, my representatives and I expressed full support for the sovereignty, independence and territorial integrity of Lebanon and the progress made in this regard, and urged for the full implementation of this and all other resolutions pertaining to Lebanon. I have also followed up carefully the dynamics in the region and noted their impact on the political situation within Lebanon.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

11. The main objective of resolution 1559 (2004) is to strengthen the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon, consistent with the Taif Agreement of 1989, to which all the political parties in Lebanon committed. For this reason, this matter has remained the highest priority on the United Nations agenda for Lebanon and in my efforts to assist with the implementation of the resolution.

12. During the reporting period, I am glad to report that Lebanon and the Syrian Arab Republic completed the establishment of full diplomatic relations between the two countries. Indeed, on 20 April, the Ambassador of Lebanon to the Syrian Arab Republic, Michel Khoury, arrived in Damascus to take up his post. On 7 May 2009, he presented his credentials to President Bashar al-Assad. The Ambassador of the Syrian Arab Republic to Lebanon, Ali Abdel Karim Ali, presented his credentials to President Michel Sleiman on 29 May. Both countries now operate embassies in each other's capitals for the first time since their independence. With these steps taken, I confirm that Lebanon and the Syrian Arab Republic have fulfilled the relevant provision of resolution 1680 (2006), encouraging the two countries to establish full diplomatic relations. I commend Presidents Al-Assad and Sleiman for the process they set in motion in August 2008 and completed just before the Lebanese parliamentary elections.

13. I have maintained my efforts to encourage the Syrian Arab Republic and Lebanon to begin the full delineation of their common border, as called for by resolution 1680 (2006). I regret, however, that little tangible progress has been made over the past six months. While I note that the Lebanese-Syrian border committee has been reactivated, at this stage only Lebanon has appointed its delegation to it, and it has yet to meet. I strongly encourage the Syrian Arab Republic and Lebanon to begin the process of delineating their common border, consistent with resolution 1680 (2006).

14. Israel, in violation of Lebanon's sovereignty and relevant Security Council resolutions, has still not withdrawn from the northern part of Ghajar. I note that diplomatic efforts in relation to the issue of the Shab'a Farms area have not yet yielded any positive results.

15. Violations of Lebanese airspace by Israeli aircrafts have continued in contravention of Security Council resolutions. The Government of Lebanon continued to protest these overflights. I have raised this matter repeatedly with the Israeli authorities at the highest level, which claim in turn that these overflights are carried out for security reasons. My representatives and I deplore these violations and call on Israel to cease such overflights.

16. In recent months, the Lebanese authorities have arrested a significant number of individuals suspected to be part of an Israeli spy network, many of whom have now been formally charged. On 20 May, the Permanent Representative of Lebanon to the United Nations, through identical letters addressed to the President of the Security Council and to me (S/2009/264), conveyed information on this matter. In a second letter, dated 2 June, the Permanent Representative of Lebanon provided a further update on the issue (S/2009/287).

B. Extension of Government control over all Lebanese territory

17. The President of Lebanon and the outgoing Government of Lebanon have reiterated their vital interest in extending the Government's authority over all Lebanese territory, so that it is the sole armed forces in the country, with the exception of the United Nations Interim Force in Lebanon (UNIFIL). In this context, the Lebanese Armed Forces play a crucial role in strengthening Lebanon's sovereignty and control over all the country, thereby promoting stability in Lebanon and beyond.

18. The Lebanese authorities reaffirmed to me their commitment to improve the monitoring of land borders to prevent unauthorized flows of weapons, munitions and personnel into the country. I commend the efforts of the outgoing Lebanese Government with regard to the control of the land borders with the Syrian Arab Republic.

19. Meanwhile, the continued presence of weapons outside the Government's control and activities of militias constitute a challenge to the Government's exclusive military authority. Furthermore, there are reports of a proliferation of activities by extremist groups and of arms in Lebanon. I take these reports seriously but the United Nations does not have the means to independently verify them. In this context, I call upon all States to abide by the arms embargo. This is a key factor for stability in Lebanon and the region.

20. I am concerned by the repeated security incidents in and around Tripoli. In particular, on 17 August, a bomb exploded in Bab al-Tabbaneh, causing material damage but no injuries. This was followed by the discovery of a second bomb on 20 August in the Mallouleh area, which was removed and disposed of by the security services. On the night of 24 August, another explosion took place. In addition, two separate security raids in late August led to the discovery and confiscation of private arms stores. More recently, on 7 and 8 October, Tripoli has been the scene of security breaches as rocket-propelled grenades hit many locations in Jabal Mohsen and Bab al-Tabbaneh neighbourhoods, wounding at least eight people. While these incidents were contained, they are an ongoing test to Lebanon's stability. They also highlight the presence of weapons outside the Government's control.

21. The permanent presence of paramilitary infrastructures belonging to the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) and Fatah al-Intifadah on the border between the Syrian Arab Republic and Lebanon gives these militias de facto control of parts of the land border. Given the general porosity of parts of the Syrian-Lebanese border, which renders it easily penetrable, I call upon Lebanon and the Syrian Arab Republic to address seriously this dangerous anomaly.

22. On 11 September, two rockets were launched against Israel from the area of Al-Qulaylah, in southern Lebanon. Israel retaliated by firing 12 artillery shells. No casualties or severe damages were reported on either side. The United Nations sent a letter of protest to the Lebanese Armed Forces for the rocket launching and a letter of concern to the Israel Defense Forces (IDF) regarding the retaliation fire. The Lebanese authorities are leading the investigation to identify and apprehend the perpetrators. I commend the efforts of UNIFIL and the Lebanese Armed Forces to

investigate and deter future such attacks, which constitute a grave violation of Security Council resolutions and threaten to provoke renewed hostilities.

23. At least two explosions occurred on 17 and 18 October in the area between Houla and Meiss el-Jabal in southern Lebanon. Preliminary indications, as this report was being finalized, are that the explosions were caused by explosive charges contained in unattended underground sensors that were placed in this area by IDF, apparently during the 2006 war. I am following carefully these incidents and will update the Security Council about them in my upcoming report on the implementation of resolution 1701 (2006).

C. Disbanding and disarming Lebanese and non-Lebanese militias

24. I wish to recall and emphasize that the provision of resolution 1559 (2004), in which the Security Council calls for the disbanding and disarming of all Lebanese and non-Lebanese militias is merely reflecting and reaffirming a decision that all Lebanese committed themselves to in the Taif Agreement in 1989, in the aftermath of the civil war. This understanding led at the time to Lebanese militias, with the exception of Hizbullah, giving up their armed capacities. This agreement must be preserved and implemented by all in order to avoid the spectre of a renewed confrontation among the Lebanese. The threat that armed groups and militias pose to the sovereignty and stability of the Lebanese State cannot be overstated, as events in May 2008 demonstrated. It creates an atmosphere of intimidation incompatible with the conduct of the normal democratic process in a State. It also undermines the stability of the region and stands against the objectives of resolution 1559 (2004), which aims at strengthening Lebanon's sovereignty, territorial integrity, unity and political independence.

25. Since my last report, the National Dialogue on a defence strategy for Lebanon, which brings together the country's political leaders under the chairmanship of President Michel Sleiman, held two additional sessions on 28 April and 1 June. In the absence of a new government since the parliamentary elections of June 2009, this forum could not convene again. A year after President Michel Sleiman kicked off the National Dialogue, participants have so far committed themselves to implementing the decisions adopted at the sessions of the National Dialogue held in 2006, including the dismantling of Palestinian bases outside the camps. They also agreed on the establishment of mechanisms that would assist a future discussion of national defence strategy, on the basis of the proposals already received from members of the National Dialogue and of those that are expected to be submitted in the future. President Michel Sleiman informed me that he would reconvene the National Dialogue as soon as a new Government is sworn in.

Lebanese militias

26. Hizbullah maintains a substantial paramilitary capacity and infrastructure separate from the State, in violation of Security Council resolution 1559 (2004). This arsenal is a direct challenge to the sovereignty of the Lebanese State. I therefore renew my call on Hizbullah to comply immediately with all relevant Security Council resolutions and the Taif Agreement, in the best interest of all Lebanese.

27. I informed the Security Council in my letter of 7 August 2009 (S/2009/407) of the series of explosions in a building near Khirbat Silim that occurred on 14 July 2009, and of incidents of obstructions to the freedom of movement of UNIFIL on 15 and 18 July. In my letter, I noted that there were indications that the building was under the control of Hizbullah, and was an actively maintained arms depot. I also noted that some of the individuals present on 15 July at the site of the explosions were identified to UNIFIL as belonging to Hizbullah. Finally, I noted that this was a clear violation of resolution 1701 (2006). It also constitutes a violation of resolution 1559 (2004).

28. Another incident took place on 12 October involving a fire possibly caused by an explosion in a residential building in the village of Tay Falsay. UNIFIL, in close cooperation with the Lebanese Armed Forces, is conducting an investigation into the incident. I will fully report about it in my upcoming report on the implementation of resolution 1701 (2006).

29. I have noted with deep concern that the leaders of Hizbullah have publicly spoken of the support it provides to Palestinian militants, including military assistance. Hizbullah operatives remain detained and charged in Egypt for allegedly "conspiring to murder, spying for a foreign organization with the intent of conducting terrorist attacks and weapons possession". Their trial started in August 2009 in an Egyptian security court. The members of the cell denied the charges. On 5 October, Ali Karaki and Ali Najmeddine were sentenced to 15 years in prison by Azeri authorities for plotting attacks against the Israeli Embassy in Baku. The Azeri judicial authorities alleged that these were operatives of Hizbullah, which Hizbullah itself denied. Such activities constitute a threat to the stability of the region.

Palestinian militias

30. Another serious threat to the stability and sovereignty of Lebanon is posed by non-Lebanese armed groups.

31. Over the past six months, there has been no progress towards the disarming of Palestinian militias, in accordance with the agreement reached at the National Dialogue sessions of 2006, and reaffirmed by the current National Dialogue, that Palestinian outposts outside the camps would be disarmed. There are four such Palestinian military bases located along the Lebanese-Syrian border, as well as a fifth, south of Beirut. Those military installations are illegally maintained by PFLP-GC and Fatah al-Intifadah. I have called upon the Government of Lebanon to dismantle those bases, and look forward to progress in this regard when a new Government is sworn in.

32. The leadership of the Palestine Liberation Organization (PLO) reiterated its call on the Palestinians in Lebanon to respect the sovereignty and political independence of Lebanon, and Lebanese law and security requirements. I commend the position of PLO Chairman Mahmoud Abbas and urge all Palestinians in Lebanon to abide by it.

33. While the situation in most of the 12 Palestinian refugee camps remains relatively stable, the threat of internal violence that could potentially spill over into surrounding areas exists in a number of camps. Indeed, some of the refugee camps, in particular Ain el-Hilweh, continue to provide safe haven for those who seek to escape the authority of the State. In Ain el-Hilweh camp, several incidents were

registered during the reporting period. On 16 June, two unidentified masked men opened fire at a Fatah officer, Ahmad Abul Kol. He was shot dead, while another individual was injured. The incident was followed by continuous shooting in different areas inside the camp over several days. Other shooting incidents were reported over the last months.

34. Notwithstanding these incidents, closer cooperation between Palestinian camp authorities and Lebanese authorities improved camp security during the reporting period. More needs to be done to contain potential tension in the camps.

35. The conditions of hardship inside Palestinian refugee camps are strengthening radical groups and therefore living conditions of Palestinian refugees in Lebanon should be improved, in the best interest of the wider security situation in the country. I remain convinced that it is imperative that progress be made not only towards disbanding and disarming Palestinian militias in Lebanon, but also towards improving the conditions in which the refugee population lives. In this regard, the work of the Lebanese-Palestinian Dialogue Committee established by outgoing Prime Minister Fuad Siniora should be supported and strengthened to ensure fundamental improvements in living conditions. In this context, continuous financial support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is essential if the crucial task of improving educational and medical services to Palestinian refugees is to be achieved. All this should be achieved without prejudice to the eventual resolution of the Palestinian refugee question in the context of a comprehensive regional peace agreement.

III. Observations

36. I am glad that the Lebanese leaders have heeded my calls and seized the opportunity of the parliamentary election in June 2009 to show their commitment to democracy and to the sovereignty and political independence of their country. The election was yet another milestone in the transition that Lebanon has undertaken since the adoption of resolution 1559 (2004). It was also an important step further along the path of the revitalization of the State's political institutions. I congratulate again the people of Lebanon and all Lebanese parties and institutions concerned on the peaceful conduct of the parliamentary elections. All Lebanese must work together in the spirit of coexistence and democracy.

37. Lebanon and its leaders must maintain this momentum, which, combined with reconciliation efforts in the region, must lead to the expeditious completion of the formation of a new Government. Political leaders should transcend sectarian and individual interests and promote the future and the interests of the nation. I am glad that, despite the delay in the formation of a new Government, political consultations and negotiations are taking place in a calm and secure environment.

38. I am looking forward to working closely with the new Government of Lebanon to further consolidate Lebanon's sovereignty, stability, unity and political independence in accordance with the Taif Agreement and resolution 1559 (2004).

39. The above-mentioned security incidents highlight the presence of weapons and armed groups that continue to operate in Lebanon and whose existence is an ongoing violation of resolution 1559 (2004), and a direct threat to the stability of the country and the region as a whole. The threats posed by the existence of militias

outside the control of the State, especially Hizbullah's vast paramilitary infrastructure, cannot be overstated. Disbanding and disarming militias is of vital importance to strengthen Lebanon's democracy and sovereignty. For this reason, I appeal to all parties, inside and outside of Lebanon, to halt immediately all efforts to transfer or acquire weapons and to build paramilitary capacities outside the authority of the State.

40. The National Dialogue has served as a key mechanism to calm the domestic political situation and represents an inclusive platform to address the key issue of disarmament of militias, as contemplated by the Taif Agreement and relevant Security Council resolutions. I look forward to the convening of new sessions of the National Dialogue by President Michel Sleiman, once a new Government is sworn in. This mechanism is in line with my firm conviction that the disbanding and disarming of Lebanese and non-Lebanese militias should take place through an inclusive political dialogue that addresses the political interests of all Lebanese, and ultimately confirms the sole political and military authority of the Government of Lebanon. In this context, I urge all Lebanese leaders to continue to approach this process in a spirit of cooperation and to exert every effort towards one goal: all arms in Lebanon must be brought under the sole and unique control of the Government of Lebanon.

41. I am mindful that Hizbullah's weapons continue to be central to the political debate in Lebanon and the ongoing process of post-civil war reconciliation. Indeed, the maintenance of an independent paramilitary capacity poses, first and foremost, a key challenge to the safety of Lebanese civilians, and to the Government's monopoly on the legitimate use of force. I call upon the leaders of Hizbullah to complete the transformation of the group into a solely Lebanese political party, consistent with the requirements of the Taif Agreement. Regional parties that maintain close ties with Hizbullah must encourage it in the same direction.

42. The continued presence of paramilitary infrastructure outside refugee camps by the Damascus-headquartered PFLP-GC and Fatah al-Intifadah, in particular along the Syrian-Lebanese border, is of great concern. It is therefore essential that the new Government implement decisions adopted in the context of the National Dialogue in 2006, and recently readopted, to dismantle and disarm Palestinian groups outside the refugee camps.

43. I am concerned by repeated security incidents in and around Palestinian camps. Security cooperation between the Lebanese authorities and Palestinian factions has improved. However, more needs to be done to contain violence that could potentially spill over into surrounding areas. I am also conscious of the living conditions in refugee camps in Lebanon and the challenges that arise from them. I commend the work of the outgoing Government of Lebanon to improve those conditions. It will be imperative for the new Government to build on the initial steps taken by the previous Government, with a view to enabling Palestinian refugees to live in dignity and to ensuring peaceful coexistence between Lebanese and Palestinians, without prejudice to the settlement of the Palestinian refugee question in the context of a comprehensive peace agreement.

44. Given all the challenges mentioned above, I am grateful to those Member States that continue to provide assistance to Lebanese security services and call upon the international community to further assist the Lebanese Armed Forces and Internal Security Forces to become more effective security organizations, resourced

to fulfil their many responsibilities. This is also vital in order to help Lebanon meet its obligations under Security Council resolutions, in particular resolution 1559 (2004).

45. Relations between Lebanon and the Syrian Arab Republic are of key importance and certainly have a bearing on many aspects of the implementation of this and other Security Council resolutions pertaining to Lebanon. I am glad that the two countries have established full diplomatic relations. I congratulate the leaders of the Syrian Arab Republic and Lebanon for their leadership in this process. Against this background, I hope that other aspects of the bilateral relationship can now be tackled. It is my strong conviction that the resumption of efforts to delineate their common border would be of mutual benefit to both countries. I strongly encourage the Syrian Arab Republic and Lebanon to begin this process, consistent with resolution 1680 (2006). Tangible steps in this regard will significantly contribute to efforts to enhance control on the northern and eastern borders of Lebanon, as I remain concerned by the porous nature of these parts of the border and the continuing potential for breaches of the arms embargo. The United Nations stands ready to assist the two countries in this endeavour.

46. In sum, I am pleased that progress continues to be achieved in the implementation of resolution 1559 (2004), whose provisions reflect and support the aspirations that the Lebanese people and leaders committed themselves to in the Taif Agreement. The political and security situation in Lebanon was generally calm and stable during the reporting period. However, the situation remains fragile. It is therefore imperative that Lebanon preserve its comprehensive political framework of coexistence, as set out in the Taif Agreement, in an atmosphere free from violence and intimidation. The presence of weapons in the country outside Government control and the continued existence of militias contribute to tensions and insecurity in Lebanon and beyond, and could eventually lead to the resumption of hostilities unless immediately addressed.

47. I would like to seize this opportunity to commend outgoing Prime Minister Fuad Siniora for all his efforts and resolve to advance the implementation of this and all other Security Council resolutions pertaining to Lebanon during his tenure. He has exercised sound leadership and was a key partner in assisting the work of the United Nations in Lebanon.

48. I call on all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I will continue my efforts for the purpose of the full implementation of these and all other relevant Security Council resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.